

The Insanity Defense

The Legal Framework

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The Insanity Defense

At the outset, distinguish:

- Insanity Defense
- Capacity to stand trial
- Diminished Capacity or other condition that effects Intent

Capacity to stand trial

At the time of trial, is the accused

1) Suffering from a mental disease or defect; such that

2) unable to understand the nature of the proceedings, or to cooperate intelligently in their defense?

Capacity to stand trial

- MDD can be treated to make person competent to stand trial.
- Can be forced to receive medication that makes you competent.
- Once competent, they stand trial.

Diminished Capacity

- There is no “diminished capacity” defense.
- But !! A mental condition or state is admissible if it effects their level of intent when that intent is an element of the crime.

Diminished Capacity

- Example: Person charged with Burglary (“intent to commit a crime therein”)
- He was so drunk, he thought it was his own room.
- Will likely be found guilty of lesser offense of Housebreaking

The Insanity Defense

- Is a complete defense!
- Person is remanded to custody of DOJ
- They are treated and may be released at the discretion of mental health professionals.

The Insanity Defense

At the time of the act(s), the accused, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his act(s).

Art 50a, UCMJ

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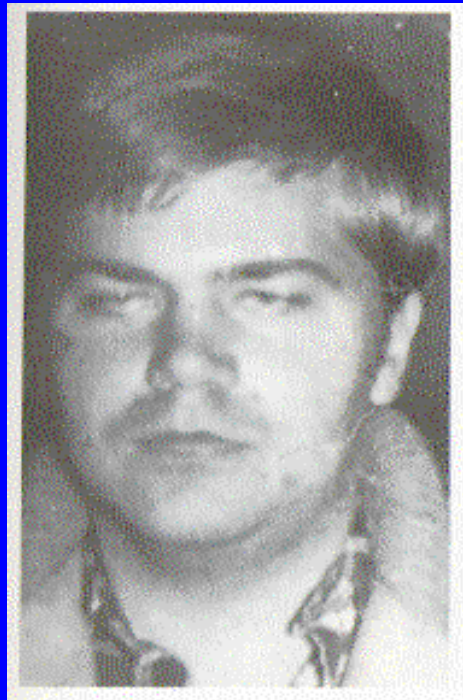
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Lacks Substantial Capacity vs Unable



Severe Mental Disease or Defect (MDD)

“The term severe mental disease or defect can be no better defined in the law than by the use of the term itself”

Severe Mental Disease or Defect (MDD)

Does NOT, in the legal sense, include an abnormality manifested only by repeated criminal or otherwise antisocial conduct or by nonpsychotic behavior disorders and personality disorders.